

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David FOELL, and William BJERKE

File No.: 10/531,622
Filed: April 14, 2005
PCT Serial No.: PCT/US03/032467
Filed: October 14, 2003 (14.10.03)

Examiner: M. Safavi

For: INSERT PANEL FOR
CONCRETE FILLABLE
FORMWORK WALL

VIA EFS-WEB
Conf. No. 8430

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants select Group I, Claims 1-9 and 12-18, *without traverse*, because the International Preliminary Examination Report did find lack of Unity of Invention with respect to the article claims and the method claims.

Applicants select the species *identified below, with traverse*, because the International Preliminary Examination Report did not find lack of Unity of Invention with respect to the various embodiments of the article claims, nor did the Office with respect to the Office Action mailed on January 18, 2007. Because Claim 1 is still considered generic, and because there has been both an International Search and a USPTO search already performed, Applicants traverse the notion that more searching is needed with respect to particular species.

Because Applicants are *required* to make an election of species, **Applicants select** "Species of panel having one straight surface w/male portions having first

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office on the date shown below to the EFS-Web in Private PAIR:	
<u>November 21, 2007</u> Date	Signed <u>John H. Hornickel</u> John H. Hornickel, Reg. No. 29,393

projections parallel to each other and to the wall and second projections perpendicular to each other: **Claims 1, 4, 6, 8, 10, 11, 13, 15, and 17."** (Emphasis added.)

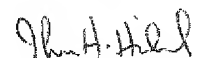
While preparing this Response, the undersigned has identified that Claims 13, 15, and 17 appear to be duplicates of Claims 6, 8, and 10, respectively, because Claim 4 was amended to depend from Claim 1, rather than remain dependent on Claim 2. Also, the same situation exists for Claims 14, 16, and 18, because Claim 5 was amended to depend from Claim 1, rather than remain dependent on Claim 2. Therefore, Applicants have cancelled Claims 13-18.

Applicants understand that Claims 2, 3, 5, 7, 9, 10, 11¹, 12, 14, 16, and 18 are withdrawn from current examination, Claims 10 and 11 for Unity reasons and the others for Species reasons.

Thus, it appears the current claims under examination are Claims 1, 4, 6, and 8. References to "Currently Amended" for Claims 1, 4, 6, and 8 are to their status as of April 6, 2007 to which the Office has not yet reacted, other than to impose a Restriction Requirement and an Election of Species.

Applicants rely on their response made on April 6, 2007 as to why Claims 1, 4, 6, and 8 are patentable over the art cited by the Office. Applicants request a Notice of Allowance.

Respectfully submitted by:



John H. Hornickel
Registration No. 29,393
PolyOne Corporation
33587 Walker Road
Avon Lake, Ohio 44012

Telephone: 440-930-3317
Fax: 440-930-1179
John.Hornickel@PolyOne.com

¹ Notwithstanding their presence in the Species listing, Method Claims 10 and 11 stand Restricted.